

### **REMARKS**

Claims 4-7, 10, 14-26 and 54 were pending at the time of the Office Action, claims 1-3, 8, 9, 11-13, and 27-53 having been previously cancelled. All stand rejected, except for claim 6, which is stated by the Examiner to be allowable if in independent form. This response after final is intended to advance the case to allowance. Claims 21-26 are cancelled above.

#### **Claim amendments**

Claim 54 is amended in two ways. First, the Examiner has rejected the claim as indefinite because the preamble recites a sewage grinder pump, but no grinder is claimed as an element of the body. This is corrected by changing the preamble to claim a two-stage centrifugal pump. Second, the Examiner has rejected claim 54 as anticipated by Keener '152. Claim 54 as amended cannot be read onto Keener '152, for reasons set forth below.

New independent claim 55 combines the limitations of claims 4 and 6, which is stated as being allowable by the Examiner.

Dependent claims 5, 7, 10 and 14 are amended to change their dependency from claim 4 to claim 54.

Claims 21-26, all of which relate to a method of grinding and pumping sewage, are cancelled.

#### **Claim rejection under 35 USC 112, second paragraph**

The Examiner has rejected new independent claim 54 as indefinite because no grinder is claimed. Accordingly, applicant has amended the preamble of the claim to claim only a two-stage centrifugal pump. Other amendments to claim 54 are discussed below.

#### **Claim rejections under 35 U.S.C. 102**

The Examiner has repeated a rejection of claims 4, 5, 7, and 14 as anticipated under 35 USC 102(e) as anticipated by US Patent 6,916,152 B2 to Keener ("Keener '152"). The Examiner has also included a rejection of new claim 54 as anticipated by

Keener '152. Applicant respectfully traverses, and will specifically address the independent claims: 4, 54 and new independent claim 55.

Applicant strongly asserts that claim 4 distinguishes Keener '152, and that the Examiner has not made out a *prima facie* case of non-patentability by simply stating that "Figure 9 [of Keener '152] shows a sewage grinder pump including a grinder and two impellers." Such a rejection will not withstand the scrutiny of appeal. As the applicant has argued previously, Keener '152 at Figure 9 has two pump housings 82, 84, positioned at opposite ends of the shaft, neither of which has "an inlet communicated to a first stage volute, a discharge of the first stage volute communicated through an inter-stage conduit to an inlet of a second stage volute and a discharge of the second stage volute communicated to an outlet," as claim 4 expressly requires. Pump housings 82, 84 in Keener '152 are separate pieces, separated by motor housing 80.

Amended independent claim 54 is allowable, because it requires a motor housing and a pump housing. The pump housing must contain first and second stage volutes, each of which is provided with an impeller. Keener '152 teaches two embodiments: Figs 1-6 and Figs 7-12, but with the particular features seen most readily in Figs 3 and 9, respectively. In each case, Keener states that there is a first impeller housing (12, 82) and a second impeller housing (14, 84). Keener '152, paragraphs 0027 and 0032. Keener '152 has no pump housing that contains both impeller stages. Further, Keener '152 does not teach one impeller being on the motor shaft between the motor and the other impeller. If the term "pump housing" is read broadly enough to include both impellers in Keener '152, then the "pump housing" encompasses the "motor housing" and there is no separate motor housing. For at least these reasons, claim 54 is allowable over Keener '152.

New independent claim 55 combines the limitations of claims 4 and 6, which is stated as being allowable by the Examiner. Dependent claims 5, 7, 10, and 14-20 now depend, directly or indirectly, from claim 55, and should be allowable as proper dependent claims.

Claim rejections under 35 U.S.C. 103

The Examiner has repeated rejections of claims 10 and 15-26 as obvious over Keener '152, as the additional claim limitations are obvious design choices once the basic apparatus is known. Applicant respectfully traverses, as the basic apparatus (claims 4-7 and 14) is not known and is allowable over the cited prior art.

The rejection of Independent method claim 21, along with its dependent claims 22-26, is mooted by the cancellation of the claims.

Dependent claims 10 and 15-20 are allowable, as stated in the previous section, as proper dependent claims of allowable independent claim 55.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the present application is respectfully encouraged.

Respectfully submitted,

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